

# Supreme Court of Kentucky

## ORDER

**IN RE: ORDER APPROVING THE RULES OF COURT PRACTICE AND  
PROCEDURE FOR THE 4TH JUDICIAL DISTRICT, HOPKINS  
COUNTY**

Upon recommendation of the Judges of the 4th Judicial Circuit, and  
being otherwise sufficiently advised,

The Rules of Court Practice and Procedure for the 4th Judicial District,  
Hopkins County, are hereby approved. This order shall be effective as of the  
date of this Order, and shall remain in effect until further orders of this court.

Entered this the 14<sup>th</sup> day of April 2014.

  
CHIEF JUSTICE JOHN D. MINTON, JR.

**COMMONWEALTH OF KENTUCKY**

**4<sup>th</sup> JUDICIAL DISTRICT**

**HOPKINS DISTRICT COURT**

**RULES OF PRACTICE AND PROCEDURE**

## **RULE 1. INTRODUCTION/ADMINISTRATIVE PROCEDURE**

### **Preface**

These are the Local Rules of the Hopkins District Court. These Rules supplement the Kentucky Rules of Criminal Procedure (RCr) and the Kentucky Rules of Civil Procedure (CR). These rules shall be the only operative Hopkins District Court Rules.

These Rules shall be constructed to secure a just and speedy determination of all matters. The Court may suspend any of these rules whenever justice requires it.

### **Effective Date**

The effective date of these Rules shall be thirty (30) days after approval by the Kentucky Supreme Court.

### **Citation**

These Rules shall be cited as RHDC (Rules of Hopkins District Court).

## **RULE 2. COURT DATES**

### **Court dates for Divisions I and II**

Monday	9:00 a.m.	Arraignments (traffic, misdemeanors, felonies)
Tuesday	9:00 a.m.	Criminal reviews, probate, civil matters, disability motions
Wednesday	9:00 a.m.	Pretrial Conferences (criminal matters)
Thursday	9:30 a.m.	Jury Trials

### **Juvenile Court**

Juvenile Court shall be held each Monday at 1:15 p.m. in District II.

### **Preliminary Hearings**

Preliminary Hearings shall be held on Friday of each week at 9:00 a.m., with the two divisions rotating weeks, with Division II having the first Friday of January 2014, and every other Friday thereafter on a rotating basis with Division I.

## **Small Claims Court**

Small Claims Court shall be held each Monday at 1:30 p.m. in Division I.

## **Video Arraignments for persons in jail**

Video Arraignments shall be Monday through Friday at 9:00 a.m., or at such time as may be determined by the Court, with the two divisions rotating weeks, with Division I having the first full week of January 2014, and every other week thereafter on a rotating basis with Division II.

## **RULE 3. ON-CALL SCHEDULES**

### **Judges' Weekly On-Call Schedule**

The two District Court Judges will rotate on a weekly basis for being on-call (Monday at 7:30 a.m. until Friday at 4:00 p.m.), with the Judge of Division I being on call the first full week of January 2014, and every other week thereafter on a rotating basis with Division II. (The Judge having video arraignments for the week will be the Judge on-call during the week.)

### **Weekend On-Call Schedule**

Weekend On-Call Judges will be set by agreement of the Judges on a six-month basis, a schedule of which will be provided to all necessary agencies.

## **RULE 4. HOLIDAYS**

The District Court will follow the Kentucky Court of Justice holiday schedule and may be obtained at the Hopkins District Court Clerk's Office or at <http://courts.ky.gov>.

## **RULE 5. COURT PROCEEDINGS**

### **I. CRIMINAL**

First appearances. The first appearance on all criminal matters will be on Monday of each week, with the exception of felonies. A request for a continuance of the first appearance must be made on or before Tuesday at 4:00 p.m. before the party is required to appear on Monday. Attorneys filing an entry of appearance, waiver of notice, and asking for a pretrial date, shall be filed no later than Tuesday at 4:00 p.m. prior to the Monday arraignment.



Motions. Motions on criminal matters will be heard on Wednesday of each week at 9:00 a.m. and must be filed six (6) days prior to the date set for a hearing.

Oral motions may be made on the record in open court.

Trials. Jury trials will be held on Thursday of each week. The jury will be seated promptly at 9:30 a.m. Attorneys for both parties are expected to be in court prepared for any pretrial motions by 9:00 a.m. The parties should present to the court at that time the proposed instructions so that the case can proceed without undue delay.

Bench trials will be set by the court upon motion of either party.

All exhibits not required to be maintained or disposed of by statute filed in the Hopkins District Court shall be withdrawn by the party so filing within thirty (30) days after the appeal time in the case has expired, and upon the party's failure to do so, the Clerk is directed to destroy the same according to the retention schedule.

Pretrial Conferences. Pretrial Conferences will be held on Wednesday of each week starting at 9:00 a.m. Pretrial Conferences will be held as a matter of course in all criminal cases in which a jury or bench trial has been requested. At that time, both parties should exchange all proposed exhibits, proposed instructions, and any motions.

When the defendant's case has been scheduled for a trial, all reasonable efforts shall be made to prevent unnecessary delay of the trial and inconvenience to the jury. Attorneys and defendants are to use their best efforts towards settlement and should exhaust completely all efforts towards settlement no later than the date of the pretrial conference.

Discovery. All motions for discovery made pursuant to RCr 7.24 shall be made at least thirty (30) days prior to the trial date. Failure to file a timely motion for discovery will be cause for the court to consider the discovery waived. All motions for discovery must be in writing and accompanied with a prepared order.

Search warrants. Copies of all search warrants and supporting affidavits shall be filed in the clerk's office pursuant to RCr 13.10. An executed copy shall be filed by the executing officer in the clerk's office within 24 hours of execution. If an arrest results therefrom, the above paper shall be placed in the case file of the defendant. Supporting affidavits shall be sworn to before the district court or the district judge.

## **II. CIVIL**

Civil matters shall be heard on Tuesday of each week at 9:00 a.m. in both divisions. Any motion shall be filed at least five (5) days prior to the date set for hearing said motion.

Motions under Civil Rule 78(2). A movant at his or her option may bring his/her motion under the provisions of CR 78(2) which makes provisions for determination of motions without oral hearings upon brief written statements of reasons in support and opposition.

The movant in his or her certificate of service or elsewhere in the motion shall state that the motion is made under CR 78(2) and shall direct the opposing party's/attorney's attention to the fact that under this local rule the motion may be granted routinely by the Court ten (10) days after filing unless an objection is received or a response is filed.

Jury Trials. Jury trials shall be set on Thursday of each week. A pretrial conference for all matters set for jury trial shall be set on a special date by the court. At the pretrial conference, both parties will be prepared to list the witnesses they intend to call, instructions to the jury, and an exchange of any and all exhibits to be introduced into the record. Failure to do so at the pretrial conference shall be grounds to exclude said witness, exhibit, or instruction.

Bench trials. Bench trials shall be set by the court on specific dates.

### **III. SMALL CLAIMS**

Practice before the small claims session of District Court shall be in conformity with the provisions of KRS 24A-200 to 24A-360 inclusive. Settlements reached prior to trial shall be in writing and in conformity with the settlement agreement form obtainable from the office of the clerk of the small claims session.

Continuances. A continuance of a small claims action may be granted only for the reasons set forth in KRS 24A.280(3). The parties may agree to continue a hearing, and in such event, shall tender an agreed order of continuance. Any *ex parte* motions for continuances will not be considered.

### **IV. JUVENILE COURT**

Juvenile Court shall be held on Monday of each week at 1:15 p.m. in Division II.

The Judge committing a juvenile to detention *ex parte* shall conduct a detention hearing within 72 hours, excluding holidays and weekends.

A hearing which is expected to last more than one hour will be set at a date and time to be determined by the Court.

The rules for discovery hereinabove set forth in the Criminal Rules shall also apply to Juvenile Court.



## **V. PROBATE**

Probate matters shall be heard on Tuesday of each week at 9:00 a.m. in each Division.

A Last Will and Testament offered for probate, which is not self-proving, will not be accepted unless proof is submitted to the court regarding its due execution. This proof may be in the form of oral testimony before the court or by affidavit.

Notice. Unless the person seeking appointment as a personal representative is named executor/executrix in a will offered for probate, notice of the hearing of the appointment must be given to all heirs-at-law. The notice must be given in writing at least five (5) days before the hearing date and filed in the record. In lieu of such notice, the Court will accept a waiver from each heir indicating that he or she desires the person seeking appointment as administrator/administratrix be appointed.

Bond and surety. The personal representative shall be required to make a bond. The amount of this bond shall be the estimated value of the personal property of the estate for which the fiduciary is entrusted. Surety will be excused where the will requests that surety not be required or in the discretion of the court when it is deemed unnecessary for protection of the estate where there is a waiver of surety executed by all parties.

## **VI. DISABILITY CASES**

Upon the filing of a petition for a disability hearing, the case shall be assigned to the division judge on a rotating basis. Upon the filing of the petition, the judge will appoint a three member team to examine the person, appoint a guardian ad litem to represent the person, and set a date for the jury trial, which trial shall be set no sooner than 30 days nor more than 50 days.

All reports to be filed by the team examining the party shall be filed no later than Monday prior to the jury trial on Thursday.

Emergency disability petitions will be heard within seven (7) days of the request, and the burden shall be upon the party to show that an emergency exists which endangers the health and safety and protection of the person's property which becomes necessary prior to the jury trial.

## **VII. FORCIBLE DETAINERS**

Forcible Detainer suits shall be heard on Tuesday of each week at 9:00 a.m. in each Division.

If the property is owned by an individual, a Forcible Detainer Complaint must be signed by the property owner or by an attorney who is representing them.

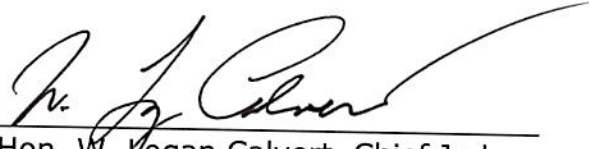
Due to a recent circuit court case, if the property is owned by a corporation or limited liability company, an attorney must sign the Forcible Detainer Complaint and appear in court on the date of the hearing. A representative of a corporation cannot appear in court on the corporation's behalf without an attorney present.


Proof of a written notice to terminate the tenancy is required and must be made 30 days before the hearing. Said 30-day notice may be waived if agreed to in writing, in which case, proof of said waiver must be shown to the Court at the time of the hearing.

A request for a jury trial must be made before the Court hears any evidence of the parties.

If no appeal is taken within seven (7) days of the entry of the Forcible Detainer Judgment, the Plaintiff (landlord) may request an Eviction Notice - Warrant for Possession from the Clerk's Office.

APPROVED BY:

  
Hon. W. Logan Calvert, Chief Judge  
Hopkins District Court, Division I

  
Hon. William R. Whitledge, Judge  
Hopkins District Court, Division II

Date: April 8, 2014

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